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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF MULTNOMAH
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9 AMAL SWAN,

10 Plaintiff,

11 v.

12 BROAD AUTO TRANSPORTATION LLC, a
13 Florida Limited Liability Corporation and
14 SERGIO CASTRO,

15 Defendants.

Case No.

COMPLAINT FOR DAMAGES

(Negligence-Personal Injury-Automobile)

Damages: \$166,770.11

ORS Fee Statute: ORS 21.160(1)(c)

(Claim Not Subject to Mandatory Arbitration)

DEMAND FOR JURY TRIAL

16 Plaintiff alleges:

17 1.

18 At all material times,

19 a) Defendant Broad Auto Transportation LLC, was an active Florida business
20 corporation, conducting regular and sustained business within Multnomah
21 County, Oregon;

22 b) Defendant Sergio Castro was an employee of defendant Broad Auto
23 Transportation LLC, and was the operator of a Peterbuilt semi-truck, Florida plate
24 number F7278LJ;

25 c) Plaintiff was the properly restrained driver of a 2016 Dodge Journey, Oregon plate
26 number 882 JGY; and

d) NE 82nd Avenue at its intersection with NE Sandy Boulevard was and is a public roadway extending in a generally north/south direction in Multnomah County, Oregon.

2.

On January 12, 2017, at approximately 2:30 p.m., defendant Sergio Castro was acting within the course and scope of his employment with Broad Auto Transportation LLC, when he was driving a semi-truck in a northerly direction in the left lane on NE 82nd Avenue, near its intersection with NE Sandy Boulevard. The road conditions were icy, with snow accumulation. Defendant was driving too fast for the conditions and lost control of his semi-truck, crashing into the rear driver's side of plaintiff's vehicle.

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At that time and place, plaintiff was the properly restrained, driver of a 2016 Dodge Journey and was traveling in a northerly direction on NE 82nd Avenue. Plaintiff was transporting an Uber customer from her home to the airport. Plaintiff was traveling in the right lane when, as she slowed down to stop at the intersection of NE Sandy Boulevard, defendant unexpectedly crashed his semi-truck into her vehicle.

COUNT ONE

(Negligence)

4.

Plaintiff realleges and incorporates by this reference paragraphs 1 through 3 above.

5.

Defendants were negligent in one or more of the following particulars:

a) Traveling at a rate of speed greater than was reasonable considering the

conditions;

- b) Failing to maintain proper control over the semi-truck;
- c) Failing to keep a proper lookout; and
- d) Operating a vehicle in a careless manner.

COUNT TWO

(Negligence Per Se)

(Against Defendant Sergio Castro)

6.

Plaintiff realleges and incorporates paragraphs 1 through 3 above.

7.

Defendant Sergio Castro violated the below cited Oregon statutes:

- a) Traveling at a rate of speed greater than was reasonable and prudent considering the conditions then and there existing, in violation of ORS 811.100;
- b) Failing to keep a proper and careful lookout, in violation of ORS 811.135; and
- c) Operating a vehicle in a manner which endangered persons and property, in violation of ORS 811.135.

8.

As a result of defendants' negligence, plaintiff sustained injuries to her neck, shoulders, back and hips. Some of plaintiff's injuries may be permanent. Plaintiff also suffered headaches, concussion and anxiety relating to driving.

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4 As a result of defendants' negligence, plaintiff incurred reasonable and necessary medical
5 expenses in the amount of \$16,770.11. Plaintiff's medical treatment is ongoing and plaintiff will amend
6 her complaint prior to trial to conform with the actual medical expenses incurred at the time of trial.
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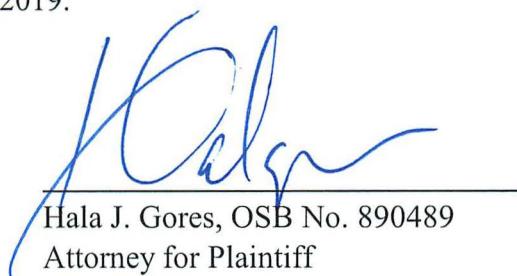
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12 As a further result of defendants' negligence, plaintiff suffered and continues to suffer pain,
13 discomfort, disability and loss of enjoyment of life, all to plaintiff's non-economic damages in a
14 reasonable amount to be determined at trial but not to exceed \$150,000.
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17 **WHEREFORE**, plaintiff prays for judgment against the defendants as follows:
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20 1. Reasonable and necessary medical expenses in the amount of \$16,770.11, to be amended
21 before trial to conform with the actual medical expenses incurred;
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23 2. Non-economic damages in a reasonable amount to be determined at trial but not to
24 exceed \$150,000; and
25
26 3. Costs and disbursements incurred during this action.

19 DATED this 10th day of January, 2019.
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23 Hala J. Gores, OSB No. 890489
24 Attorney for Plaintiff
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